

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AHSAN MOHAMMAD KHAN,

Plaintiff,

V.

KIRSTJEN NIELSON, Secretary,
Department of Homeland Security;
ROBERT COWAN, Director,
National Benefits Center, U.S.
Citizenship and Immigration Services;
PHILLIP SLATTERY, Director of
the National Visa Center, Department
of State,

Defendants.

C18-1130 TSZ

ORDER

THIS MATTER comes before the Court upon a complaint in the nature of mandamus concerning an I-130 petition for alien relatives. Having reviewed the complaint in this matter, the Court concludes that this proceeding is exempt from the initial disclosure requirements of Fed. R. Civ. P. 26(a)(1)(A) and the initial conference requirements of Fed. R. Civ. P. 26(f). See Fed. R. Civ. P. 26(a)(1)(B)(i).

1 To facilitate entry of an appropriate scheduling order in this matter, and pursuant
2 to Fed. R. Civ. P. 16 and Local Rule CR 16, counsel are directed to confer and to file a
3 JOINT STATUS REPORT by November 5, 2018. The conference among counsel shall
4 be by direct and personal communication, whether via face-to-face meeting or telephonic
5 conference. The Joint Status Report must contain the following information by
6 corresponding paragraph numbers:

7 1. A concise statement of the positions of the parties concerning the relief
8 requested in the complaint.

9 2. A summary of the procedural posture of the case and/or the status of the
10 proceedings before the federal agency at issue, including whether final agency action has
11 occurred or is expected to occur in the near future.

12 3. A proposed deadline for filing of the administrative record.

13 4. A proposed deadline for filing of dispositive motions.

14 5. An indication whether trial will be required in this matter and, if so, an
15 indication (i) when the matter will be ready for trial; (ii) whether such trial will be jury or
16 non-jury; and (iii) how long such trial is anticipated to take.

17 6. An indication whether the parties agree that a full-time Magistrate Judge
18 may conduct all proceedings, including trial and the entry of judgment, under 28 U.S.C. §
19 636(c) and Local Rule MJR 13. The Magistrate Judge who will be assigned the case is
20 The Honorable Brian A. Tsuchida. Agreement in the Joint Status Report will constitute
21 the parties' consent to referral of the case to the assigned Magistrate Judge.

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1 7. An indication whether any party wishes a scheduling conference before a
2 scheduling order is entered in this case. If the parties are unable to agree on any part of
3 the Joint Status Report, they may answer in separate paragraphs. No separate reports are
4 to be filed.

5 The time for filing the Joint Status Report may be extended only by court order.
6 Any request for extension should be made by telephone to Karen Dews. If the parties
7 wish to have a status conference with the Court at any time during the pendency of this
8 action, they should contact Karen Dews. Finally, if this matter is resolved by further
9 agency action or settled, the parties shall immediately notify Karen Dews. Karen Dews
10 may be reached at 206-370-8830.

This Order is issued at the outset of the case, and a copy is sent by the Clerk to counsel for plaintiff and any defendants who have appeared. Plaintiff's counsel is directed to serve copies of this Order on all parties who appear after this Order is filed, within fourteen (14) days of receipt of service of each appearance. Plaintiff's counsel will be responsible for starting the communications needed to comply with this Order.

Failure by any party to fully comply with this Order may result in the imposition of sanctions, including dismissal of the case.

18 || IT IS SO ORDERED.

19 DATED this 5th day of September, 2018.

Thomas S. Balle

Thomas S. Zilly
United States District Judge